United Nations S/2003/489

Security Council

Distr.: General
28 April 2003

Original: English

Letter dated 15 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 3 September 2002 (S/2002/989).

The Counter-Terrorism Committee has received the attached supplementary report from the Republic of Cameroon, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

[Original: French]

Note verbale dated 31 March 2003 from the Permanent Mission of Cameroon to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Republic of Cameroon to the United Nations in New York presents its compliments to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and, with reference to its letter dated 24 February 2003, has the honour to submit herewith the supplementary report prepared by the Republic of Cameroon on national measures taken to combat terrorism.

Enclosure

Supplementary report submitted by Cameroon to the Security Council committee established pursuant to resolution 1373 (2001) concerning counter-terrorism*

* Enclosures are on file with the Secretariat and are available for consultation.

Paragraph 1

Subparagraph (a) — Which legal and natural persons are under an obligation to declare the foreign assets they hold in the territory of the Republic of Cameroon? Are legal and natural persons required to declare the assets they hold abroad? Please define the term "foreign assets".

All legal and natural persons residing in the country are under an obligation to declare all the foreign currency assets they hold in Cameroon within a period of eight days and to entrust them to the banking system. All resident legal and natural persons are obliged to declare and repatriate all their assets held abroad. "Foreign assets" means the product of direct investments abroad; the product of a sale abroad; remuneration for services provided abroad; and artists' fees and the earnings of sportspeople.

Which transfers are subject to foreign exchange controls and which are not?

All transfers of funds outside the franc zone are subject to foreign exchange controls by means of transfer authorizations issued by the monetary authority. However, under CEMAC's foreign exchange rules, all current transfers are carried out directly by the banks which are obliged to notify the monetary authority by submitting a declaration after the fact. As regards movements of capital, all transfers in excess of 100 million francs CFA continue to require the prior authorization of the monetary authority.

What penalties apply if banks fail to report suspicious transactions? Have sentences already been handed down for failure to report suspicious transactions?

In Cameroon, all transfers of funds in excess of 100 million francs CFA must be specifically authorized in advance by the Ministry of Finance and Budget. Credit institutions are obliged to report any suspicious transactions, in particular those involving unknown persons, excessively high amounts and funds of doubtful provenance. The evaluation of such cases is based on scrutiny of the supporting documents relating to each transaction. Administrative measures taken in respect of banks relate to the obligation to identify customers and economic beneficiaries. The arrangements currently being drawn up will allow the surveillance in particular of certain operations relating to amounts whose unitary or overall value exceeds 500,000 francs CFA. Particular vigilance is exercised in the case of electronic transfers of international or domestic funds. As far as enforcement is concerned, specific anti-terrorist legislation is currently being drawn up; this will allow account to be taken of cases in which no declarations of transactions relating to terrorism-funding operations have been made.

Do informal banking networks (such as Hawala) exist in Cameroon? Please outline the legal provisions regulating them, if any.

In Cameroon there are informal banking networks called "tontines" which are chiefly concerned with domestic savings. "Hawala" is unknown in Cameroon.

Does Cameroon intend to enact anti-money-laundering legislation?

On 28 October 1991 Cameroon ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances adopted in Vienna on 20 December 1988, since it is convinced that action to combat money-laundering cannot be credible and fully effective unless all States introduce a legal framework based on the international norms and standards obtaining in this area. Cameroon is also a member of the Action Group against Money-Laundering in Central Africa (GABAC) which acts in accordance with the Action Plan against Money Laundering adopted by the United Nations General Assembly on 10 June 1998 and the recommendations issued by the Financial Action Task Force (GAFI). With the backing of these bodies, it is currently drawing up legislation to combat money-laundering.

Subparagraph (b) — Since Cameroon intends to ratify the International Convention for the Suppression of the Financing of Terrorism, the CTC would be grateful to receive a progress report regarding any proposed amendments to implement that Convention, particularly as regards Articles 2 and 4.

All implementing provisions in respect of the said Convention will be directly incorporated in the overall body of national legislation which Cameroon intends to draw up and adopt.

Subparagraph (c) — Please describe the procedure leading to the freezing of funds, other financial assets or economic resources suspected of belonging to terrorists or terrorist organizations.

The procedure may be initiated at the reasoned request of any person. In order to freeze funds or other financial assets or economic resources whose provenance appears suspicious, there is an administrative procedure that may be applied on case-by-case basis, either by the Central African Banking Commission (COBAC), or the monetary authority, on the basis of a declaration that irregularities are suspected. The monetary authority may also take legal action in the case of violations of the foreign exchange regulations following unannounced visits of credit establishments by Ministry of Finance officials. At a judicial level, infringements by the banks of the relevant professional and administrative rules may result in sentences entailing deprivation of liberty, fines and certain additional penalties such as forfeiture, closure of the establishment and confiscation (Penal Code, art. 19). Security measures may also be taken, entailing a ban on exercising the profession and relegation (see detailed reply in Cameroon's first report).

How is a request by a foreign authority to freeze funds etc. in Cameroon dealt with under Cameroon's domestic laws and regulations?

Any request by a foreign authority to freeze funds received through the diplomatic channel by the monetary authority of Cameroon is forwarded to the banking establishments for implementation. Where appropriate, a request may be made for mutual judicial assistance. At a judicial level, the Parquet (Public Prosecutor's Office) may, as soon as it is seized, order a provisional staying measure which it communicates to the financial body and the parties in question by any medium capable of delivering a written record. Such a measure shall, for a period of 48 hours which may be renewed once only, mean that the suspicious operation must

be suspended and that funds may not be made available or used for the benefit of suspicious persons.

Please explain how the control exercised over assets and accounts by the National Credit Council and the Central African Banking Commission (COBAC) can assist in the implementation of subparagraph (c) of the Resolution.

The Central African Banking Commission enjoys powers of control over all credit establishments in the zone. By virtue of these powers, it issues directives for the security of the banking system which all banks are required to comply with subject to closure.

Please provide the CTC with the list of alleged terrorists attached to the circular of the Minister of the Economy and Finance dated 14 December 2001. On which basis was the list compiled?

On the basis of the circular in question, a list of 27 legal and natural persons was transmitted to the credit establishments. This list, which includes organizations such as al-Qa'idah/Islamic Army, the Abu Sayyaf group, the Armed Islamic Group (GIA), Harakat ul-Mujahedeen (HUM) and the Islamic Movement of Uzbekistan (IMU), was forwarded to Cameroon by the Security Council to help it implement the resolution.

Subparagraph (d) — What is the legal basis and procedure for the approval or denial of public solicitations by the Ministry of Territorial Administration?

In Cameroon, the collection of funds though public solicitation is governed by Law No. 83/002 of 21 July 1983 concerning appeals for public donations and its implementing decree No. 85/1131 of 14 August 1985 laying down the conditions for granting authorization to appeal for public donations. These rules provide that any appeal for public funding must be authorized in advance on the basis of a dossier required by the regulations, which is submitted to the administrative authority, according to well-defined judicial categories. This applies in particular to public establishments, development committees, State-approved associations, foundations and establishments and religious groups. It should be pointed out that the authorization issued is valid only within the national territory. In the event of a refusal, a reasoned statement is issued to the applicant by any medium capable of delivering a written record.

How does the financial tracking system ensure that funds received by charitable, religious or cultural organizations otherwise than through public solicitation are not diverted from their stated purposes to terrorist activities?

Legislation has been enacted in respect of associations and non-governmental organizations. The aims of these bodies are regularly monitored, and any diversion from their stated purposes may entail appropriate administrative and judicial measures.

Paragraph 2

Subparagraph (a) — Could Cameroon please explain how it criminalizes the recruitment of members of terrorist groups both inside as well as outside Cameroon, as distinct from the criminalization of association with or membership in such a group?

The current context requires specific counter-terrorism legislation. However, the Penal Code contains provisions for addressing problems such as road-blockers and, in particular, armed bands (art. 115) and dangerous preparations (art. 248).

Please describe how the prohibition to acquire firearms without authorization is implemented in law as well as in practice.

Any purchase or possession of firearms requires written authorization from the Ministry of Territorial Administration. Decree No. 73/658 of 22 October 1973, article 20, calls for a fine and, in some cases, even a term of imprisonment, without prejudice to the application, where necessary, of articles 237 and 238 of the Penal Code and of the provisions of the Customs Code.

The application of these regulations entails unannounced inspections of stores which sell weapons and of weapons and explosives depots.

In which cases can weapons be acquired without an authorization from the administrative authority?

There are no exceptions to the rule that authorization for the acquisition of firearms must be issued by the administrative authorities or, in the case of temporary acquisition and entry of weapons, by Cameroon's embassies and consulates abroad. However, criminals sometimes acquire firearms through informal channels (organized crime, locally produced weapons, road-blockers and cross-border transfer). Only the Ministry of Defence may acquire weapons of war.

Please outline Cameroon's export control regime for weapons.

Since Cameroon lacks a military industry capable of producing firearms, it does not export them. However, since many foreigners residing there have temporary authorization for the import of weapons, such persons are prohibited from providing them to Cameroonians and from re-exporting them at the end of their stay. In order to prevent these weapons from being sold in Cameroon, their movement within the country is monitored. In addition, weapons, ammunition or explosives sometimes transit through Cameroon en route to neighbouring landlocked countries. In order to prevent illegal weapons trafficking and possession, such goods are escorted by the competent Cameroonian services from the port at which they are unloaded (Douala) to the border with the country in question.

Please outline the measures, both legislative and practical, preventing entities and individuals from recruiting, collecting funds or soliciting other forms of support for terrorist activities to be carried out inside or outside Cameroon, including, in particular:

- **The carrying out, within or from Cameroon, of recruiting, collecting of funds and soliciting of other forms of support from other countries;**

Existing legislation governing the activities of non-Cameroonian organizations requires them to obtain prior authorization from the Ministry of Territorial Administration, with the approval of the Ministry of Foreign Affairs. Such requests must specify, inter alia, the activities to be conducted, the location of the organization's premises in Cameroon and the name, profession and place of residence of each person in any way involved in such activities. These regulations make it virtually impossible for such an entity to depart from its initial purpose. Any organization which might be tempted to do so would incur the risk of imprisonment or fines, as applicable, particularly if it sought to violate the internal or external security of the State (arts. 31 and 33 of the Act of 19 December 1990 on freedom of association); the persons implicated could be extradited.

– Deceptive activities such as recruitment based on a representation to the recruit that the purpose of recruitment is one (e.g. teaching) different from the true purpose and collection of funds through front organizations.

In addition to the above-mentioned measures, which are also relevant to this situation, it should be noted that foreign organizations operating under a front in Cameroon now fall within the scope of the general tax code of 19 April 2002, under which their activities in Cameroon are monitored. Mechanisms exist to prevent, identify and punish organizations operating under a front in order to perpetrate terrorist acts, but they may be strengthened under the new counter-terrorism act.

Subparagraph (b) — Which are the "specialized centres" in Cameroon responsible for providing early warning to other States?

The National Central Bureau (NCB-Interpol) and the Committee of Central African Police Chiefs (CCPAC) are the specialized centres responsible for providing early warning to all States of the subregion.

Please provide the Committee with information on the mechanism for inter-agency cooperation between the authorities responsible for narcotics control, financial tracking and security, with particular regard to the border controls preventing the movement of terrorists.

The Committee would welcome a progress report on the "creation and formation of specialized units in the fight against terrorism".

Security staff meetings are held with the participation of all specialized departments responsible for mechanisms of inter-agency cooperation in the exchange of information and monitoring of drug traffickers, weapons transfers and movements of armed bands in Cameroon. Similar meetings are held at the provincial level in order to better combat such threats.

Three specialized units of the Cameroonian police, created by Presidential decree, are responsible for combating terrorism:

- The Special Operations Group (GSO) under the Office of the Director-General of Security;
- The Intervention and Investigation Service (SIR) under the Judicial Police; and
- The Intervention Service (SI) under the Border Police; its activities focus on ports, airports and border posts.

Another Presidential decree created the Multi-purpose Intervention Unit of the National Gendarmerie (GPIGN), whose responsibilities include maintaining and restoring public order, combating terrorism and organized crime, protecting sites of vital interest, providing an escort for sensitive goods and materials, transporting dangerous persons and carrying out sensitive reconnaissance missions.

Subparagraph (c) — Please provide the Committee with a copy of the legal provisions allowing police chiefs of border posts to deny entry into Cameroon to alleged terrorists, even when they are in possession of an entry visa.

Decree No. 2000/286 of 12 October 2000 sets forth conditions for foreigners' entry into, stay in and exit from Cameroon; the procedures for deportation, escort to the borders, extradition and expulsion contained therein allow police chiefs of border posts to deny entry into Cameroon to alleged terrorists, even when they are in possession of an entry visa issued by a Cameroonian embassy or consulate abroad, for reasons of security and public order.

Are visa applicants scrutinized for a possible terrorist background before the embassies or consulates of Cameroon decide whether to grant or deny them entry visas?

Under article 31 of the above-mentioned Decree, the competent diplomatic mission or consular post must take action on visa applications within 48 hours of their submission. Even before the current counter-terrorism concerns arose, this provision provided for an exchange of information with the Border Police in order to obtain information on persons applying for visas at Cameroon's embassies or consulates abroad. For example, all visa applicants are subject to a compulsory interview designed to establish the real reason for their planned trip to Cameroon and both the applicant and the Border Police are notified when a visa application is denied for any reason.

Subparagraphs (d) and (e) — What is the competence of the courts of Cameroon to deal with criminal acts of each of the following kinds:

An act committed outside Cameroon by a person who is a citizen of, or habitually resident in, Cameroon (whether that person is currently resident in Cameroon or not);

In the case of a crime or other offence committed outside Cameroon by a Cameroonian national, article 10 of the Penal Code states that Cameroonian criminal law applies to acts committed abroad by a citizen or a resident, provided that they are punishable under the legislation of the place where they were committed and that they are defined as crimes or other offences under Cameroonian law. The Cameroonian courts are competent in such cases if the Public Prosecutor's Office decides to prosecute, even where the offence was committed against an individual.

An act committed outside Cameroon by a foreign national who is currently in Cameroon?

A foreign national who commits an offence abroad and takes refuge in Cameroon can be prosecuted there. Such is the case with offences involving attacks on State security, or forgery of the State seal or counterfeiting of Cameroonian

money. Prosecution is initiated through an international arrest warrant or a request for extradition; in either case, once arrested, the accused is either prosecuted in Cameroon or extradited pursuant to a duly justified request for extradition.

Please provide the Committee with a progress report on the envisaged amendments to the Penal Code and on the comprehensive legislation to prosecute and punish terrorism and all its ramifications which Cameroon is about to enact (pp. 3 and 10 of document S/2002/277).

Criminal legislation for the punishment of terrorism and all its ramifications is being developed. However, legislation already exists to punish unlawful acts against the safety of civil aviation; in some cases, penalties include life imprisonment (Act No. 2001/019 of 18 December 2001 on unlawful acts against the safety of civil aviation).

Subparagraph (f) — Is extradition in Cameroon contingent, in any respect, on the existence of bilateral or multilateral treaties?

Under Cameroonian positive law, implementation by the competent authorities of extradition, which is regulated by Act No. 97/010 of 10 January 1997, requires the existence of bilateral or multilateral treaties. Despite this established principle, however, Cameroon's practice of reciprocal cooperation in this area, even in the absence of a specific instrument, has a firm basis in international law.

What is the legal time frame within which a request for judicial assistance in criminal investigations or criminal proceedings, especially those relating to the financing or support of terrorist acts, must be met? How long does it actually take in practice to implement such a request in Cameroon?

In Cameroon, the only requirement for meeting requests for judicial assistance in criminal investigations or criminal proceedings is transmission through the diplomatic channel. In practice, however, when the Sanctions Committee requests assistance relating to the financing of terrorist acts, the monetary authority informs the credit institutions and the National Central Bureau (NCB-Interpol), which must implement the request within the month.

Please elaborate on the "institutional and legal shortcomings" that Cameroon, along with other Central African States, have identified as hampering the implementation of this subparagraph together with subparagraphs 3 (a), (b) and (c) of the resolution.

Most Central African States do not yet have specific legislation criminalizing the financing of terrorism. However, the adoption by the Central African Economic and Monetary Community (CEMAC) of draft regulations designed to prevent and punish money-laundering and the financing of terrorism in Central Africa is an encouraging development with respect to extradition and judicial assistance in criminal investigations and criminal proceedings relating to terrorist acts. The Cameroonian Government considers that the Central African States' unequal levels of technological, human and material resources are also a factor in the failure of their specialized units to exchange operational and factual information. These States also require assistance in publicizing the international instruments on terrorism so that they can harmonize their criminal procedure in that area.

Subparagraph (g) — The report states that travellers from certain countries are given "special attention". By what criteria does Cameroon identify those countries?

These countries are identified through the international media, mechanisms for the exchange of information between the above-mentioned specialized units, the list maintained by the United Nations Sanctions Committee and the mechanisms of Interpol.

Paragraph 3

Subparagraphs (a), (b) and (c) — Has Cameroon concluded bilateral judicial cooperation agreements with States other than Mali, France and the Democratic Republic of the Congo? If so, please list those countries.

In addition to the countries listed above, Cameroon has concluded judicial cooperation agreements with Benin, Burkina Faso, the Central African Republic, Chad, Côte d'Ivoire, Gabon, Guinea, Madagascar, Mauritania, the Niger, the Federal Republic of Nigeria, the Republic of the Congo and Senegal.

Do the agreements concluded with Mali, France and the Democratic Republic of the Congo include provisions on extradition?

Extradition is one of the issues regulated by all these agreements. For example, articles 43 to 60 of the legal cooperation agreement with France cover the question of extradition.

As part of its implementation of the resolution, does Cameroon intend to conclude bilateral agreements on cooperation in criminal matters and on extradition with other countries?

The conclusion of bilateral agreements on cooperation in matters of criminal law and extradition is one of Cameroon's concerns. For this reason, the negotiation of such agreements with, inter alia, the Russian Federation and Romania has been an element of Cameroon's cooperation with other countries. As a member of Interpol and a State party to the Palermo Convention against Transnational Organized Crime, Cameroon can also use the mechanisms developed by these organizations in its implementation of the resolution.

Subparagraph (d) — The Committee would welcome a progress report, in relation to the twelve relevant international conventions and protocols relating to terrorism, on:

- **The steps taken in order to become a party to the instruments to which Cameroon is not yet a party;**

In Cameroon, an act adopted by Parliament and authorizing the President of the Republic to ratify an international convention is followed by a decree of ratification, in which the State explicitly agrees to comply with the relevant provisions of the convention being ratified.

Cameroon has already ratified and is a party to the following seven conventions:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;
- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;
- Convention for the Suppression of Unlawful Acts against the Safety of Civilian Aviation, signed at Montreal on 23 September 1971;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;
- International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991; and
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988.

In addition, consideration is being given to signing, ratifying or acceding to the following conventions:

- Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, signed at Rome on 10 March 1988;
- International Convention for the Suppression of Terrorist Bombings of 15 December 1997;
- International Convention for the Suppression of the Financing of Terrorism of 9 December 1999; and
- International Convention against Transnational Organized Crime of December 2000 (already signed).

– Progress made in enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.

In accordance with article 45 of the Constitution of Cameroon, any normally ratified treaty takes precedence over domestic law. Thus, in the absence of a conflict with the Constitution, implementation of the international instruments to which Cameroon is a party does not require the prior promulgation of legislation or other legal provisions.

Subparagraph (e) — Please describe Cameroon's practice in relation to the requirement of reciprocity regarding extradition based on agreements, especially when the only evidence available is meagre or contradictory.

Cameroon's practice in matters of reciprocity is to follow the form, procedure and requests which the requesting State used in its dealings with Cameroon.

Have the offences set forth in the relevant international conventions and protocols relating to terrorism been included as extraditable offences in the bilateral treaties to which Cameroon is a party?

Yes, they are included in these treaties and provide a legal basis for granting requests for extradition.

Subparagraphs (f) and (g) — Please identify the specialized offices involved in the investigation conducted in order to ensure that asylum-seekers have not planned, facilitated or participated in the commission of terrorist acts and that refugee status is not abused by the perpetrators, organizers and facilitators of terrorist acts. Please outline the legal provisions governing this investigation.

The Office of the Director-General of Security and the Office of the Director-General of External Research both include specialized departments to make such inquiries in Cameroon; they conduct their investigations with the greatest discretion in accordance with the decrees under which they were established.

Paragraph 4

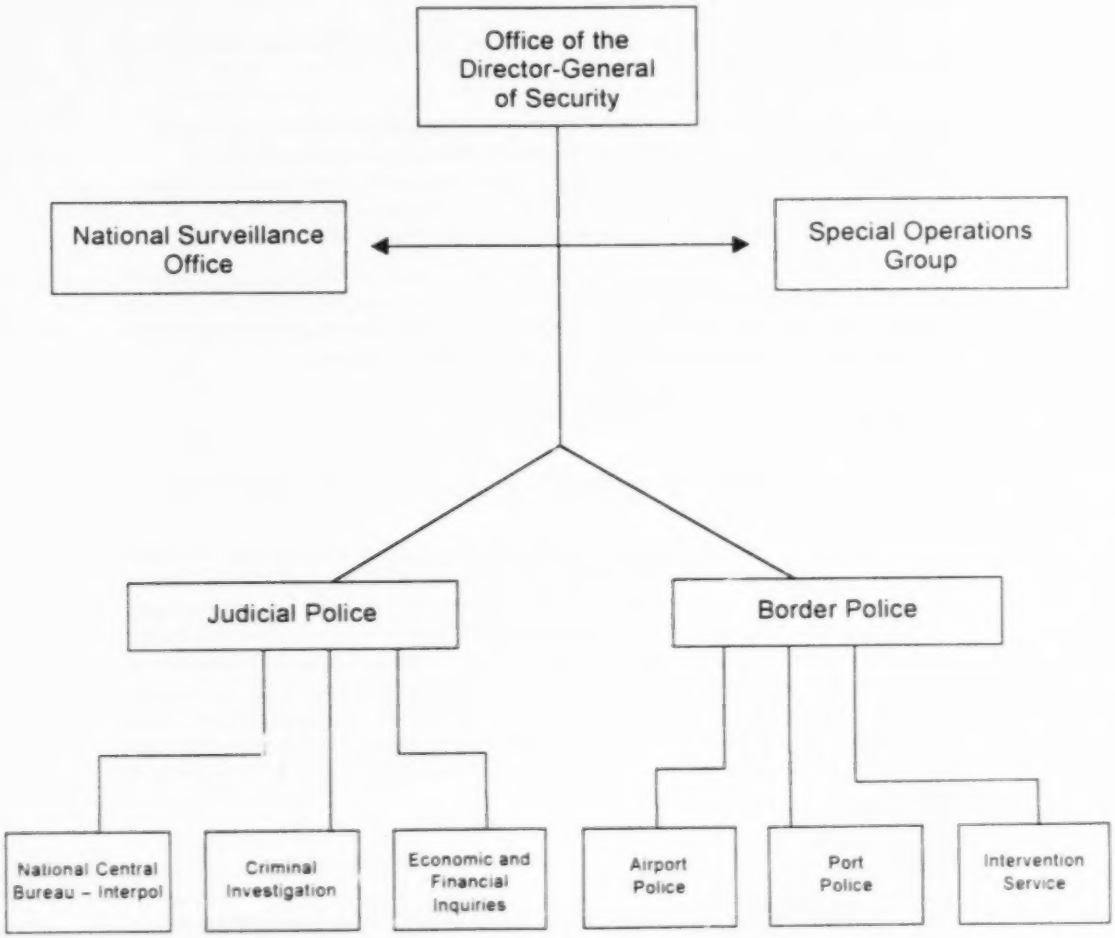
Has Cameroon addressed any of the concerns expressed in paragraph 4 of the resolution?

Cameroon notes with concern the close links between international terrorism and other similar and related problems. For this reason, it has ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, the Convention on the Marking of Plastic Explosives for the Purpose of Detection, the Palermo Convention against Transnational Organized Crime and the International Convention against the Taking of Hostages. It is preparing to sign and ratify the International Convention for the Suppression of the Financing of Terrorism.

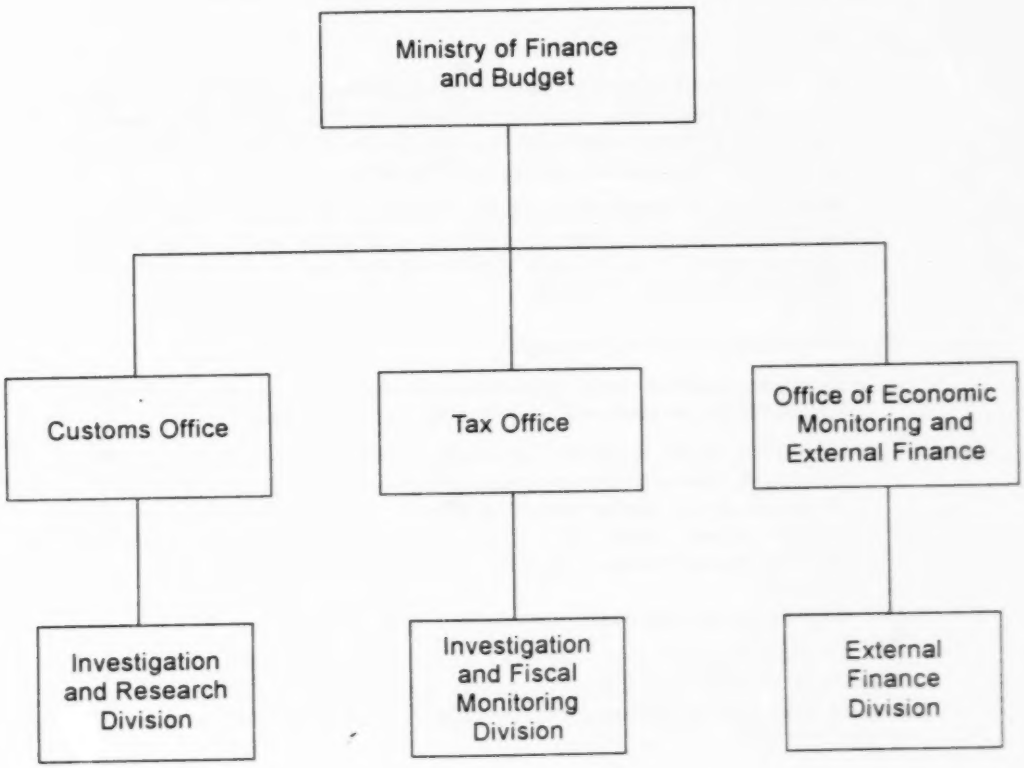
Other matters

Could Cameroon please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the resolution?

Police and immigration control authorities



Customs, tax and financial supervision authorities


Ministry of Finance and Budget
Customs Office
Tax Office
Office of Economic Monitoring and External Finance
Investigation and Research Division
Investigation and Fiscal Monitoring Division
External Finance Division

Request for assistance

In order to comply with the provisions of resolution 1373 (2001), Cameroon would welcome assistance from the international community in the following areas:

(1) Adoption of counter-terrorism legislation

- The development of specific national counter-terrorism legislation would give Cameroon a single legal instrument on that issue. This task is complicated by Cameroon's bicultural nature and two legal systems (Common Law and Roman Law), hence the request for assistance in this area.
- With respect to suppression of the financing of terrorism and money-laundering, Cameroon hopes to establish an effective entity to monitor its financial system. This will also require technical assistance and specialized bodies and structures in this area.

(2) Strengthening of national capacities

- Cameroon attaches great importance to strengthening the departments responsible for the implementation of counter-terrorism measures.
- It therefore hopes to develop specialized structures and bodies and would welcome the provision of training seminars in the area of counter-terrorism for its security forces, Border Police and customs officials. Cameroon would also like to provide these officials with technical identification, detection, surveillance and monitoring equipment at its ports and airports.

(3) Cooperation on legal matters and exchange of information

At the subregional level, Cameroon would like to develop more functional cooperation with the other Central African countries and would welcome assistance with the creation of an assistance and cooperation mechanism in the Central African subregion.

(4) Technical advice

Cameroon would welcome whatever assistance the team of experts recommends after reviewing this report.